

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

BRAD DAVIS,

Petitioner,

v.

No. 1:13-cv-01225-JDB-egb
No. 1:07-cr-10063-JDB-1

UNITED STATES OF AMERICA,

Respondent.

ORDER LIFTING STAY
AND
DIRECTING PETITIONER TO FILE RESPONSE

On October 4, 2017, the Court directed Petitioner, Brad Davis, to file a response to the government's motion for relief from judgment. (Case Number ("No.") 13-cv-01225, Docket Entry ("D.E.") 20 at PageID 96.) Petitioner was ordered to address the Sixth Circuit's recent decision in *United States v. Verwiebe*, 874 F.3d 258 (6th Cir. 2017), *reh'g en banc denied* (6th Cir. Jan. 3, 2018). (*Id.*) The Court thereafter granted Petitioner's request for a stay of proceedings in this case pending the Sixth Circuit's ruling on the petition for rehearing en banc in *Verwiebe*. (*Id.*, D.E. 28.) On January 3, 2018, the Sixth Circuit denied rehearing. *United States v. Verwiebe*, No. 16-2591, D.E. 31 (6th Cir. Jan. 3, 2018).

Accordingly, the STAY IS LIFTED. Petitioner is ORDERED to file a response to the government's motion within fourteen days of the entry-date of this order. The response shall address whether, and in what way, a distinction should be drawn between *Verwiebe's* application of *Voisine v. United States*, 136 S. Ct. 2272 (2016), to the Career Offender provision of the Sentencing Guidelines and application of *Voisine* to the Armed Career Criminal Act, 18 U.S.C. § 924(e). Respondent may file a reply no later than fourteen days after the response is filed.

IT IS SO ORDERED this 17th day of January 2018.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE